

No. 11 (112)-3 Lab-79/7685.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Oriental Steel and Industries Ltd., Plot No. 5, Mathura Road, Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 34 of 1977

between

SHRI BALDEV RAJ, WORKMAN AND THE MANAGEMENT OF M/S. ORIENTAL STEEL AND INDUSTRIES LTD., PLOT NO. 5, MATHURA ROAD, FARIDABAD

Present.—

Shri Amar Singh Sharma for the workman.

Shri K. P. Agrawal for the management.

AWARD

By order No. ID/FD/A-2033/13640, dated the 8th April, 1977, the Governor of Haryana referred the following dispute between the management of M/s. Oriental Steel and Industries Ltd., Plot No. 6, Mathura Road, Faridabad and its workman Shri Baldev Raj, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act.

Whether the termination of services of Shri Baldev Raj was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issue was framed on 9th September, 1977 :—

Whether the termination of services of Shri Baldev Raj was justified and in order ? If not, to what relief is he entitled ?

And the case was fixed for the evidence of the management. Thereafter both the representatives filed applications challenging the authority of each other to represent their parties. Thereupon other issues were framed on 17th January, 1978 as issues No. 2 and 3. I had decided issue No. 2 in favour of the management and issue No. 3 in favour of the workman and thereafter fixed the case for the evidence of the management. Thereafter the management absented. *Ex-parte* proceedings were ordered against them and the case was fixed for *ex-parte* evidence of the workman. The workman examined himself as his own witness and he gave his statement on S. A. that he was working with the management since 3rd October, 1974 and his wages were Rs. 450 p.m. He caused no chance of complaint to the management. The management charge-sheeted him.—*vide* Ex. W-1. He replied it,—*vide* Ex. W-2. The management did not hold any enquiry, rather terminated the services of the workman from 25th August, 1975. The workman stated that he was an active trade unionist and, therefore, the management victimised him. He was un-employed since then. The workman closed his case. *Ex-parte* award had been sent to the Government. Thereafter the management applied for setting aside *Ex-parte* award. *Ex-parte* award was set aside subject to payment of costs Rs. 100 only. Cost was paid, even previous costs were also paid. Thereafter a settlement was arrived at between the parties, according to the settlement the management agreed to pay retrenchment compensation to the workman upto 25th June, 1979 but no wages shall be paid to the workman after 25th August, 1975. The workman shall also receive his earned wages or other dues if lying unpaid with the management. The workman shall have no claim of any kind except his back benefits upto 25th August, 1975 and retrenchment compensation upto 25th June, 1979. The workman shall not be entitled to reinstatement or re-employment.

Dated the 26th June, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 571, dated the 6th July, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/7687.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Standard Weaving Factory, 13/5, Mathura Road, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 58 of 1976

between

THE WORKMEN AND THE MANAGEMENT OF M/S. STANDARD WEAVING FACTORY,
13/5, MATHURA ROAD, FARIDABAD.

Present, —

Shri Darshan Singh, for the workmen.

Shri B.R. Grover, for the management.

AWARD

By order No. ID/FD/007-B-75/8447, dated 1st March, 1976, the Governor of Haryana referred the following disputes between the management of M/s. Standard Weaving Factory, 13/5, Mathura Road, Faridabad and its workmen to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

1. Whether the workmen are entitled to any increase in wages? If so, with what details?
2. Whether the grades and scales of pay should be fixed? If so, with what details?
3. Whether the workmen are entitled to the grant of any bonus for the year 1973-74? If so, with what details?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties following issues were framed on 25th June, 1976:—

1. Whether the demand leading to the reference was legally required to be espoused by a substantial number of workmen?
2. If yes, whether the demand leading to the reference was espoused by a number of substantial workmen?
3. Whether Shri B. R. Grover is authorised to represent the management and has *locus-standi* to represent the management?

Both the parties withdrew these preliminary issues, hence issues were framed on merits on 4th April, 1977:—

1. Whether the workmen are entitled to any increase in wages? If so, with what details?
2. Whether the grades and scales of pay of the workmen should be fixed? If so, with what details?

3. Whether the workmen are entitled to the grant of bonus for 1973-74 ? With what details ?

And the case was fixed for the evidence of the workmen. On 5th December, 1977 both the parties stated that they have arrived at a settlement so the case was adjourned for 6th January, 1978. It was again adjourned for 16th February, 1978. On 16th February, 1978 the management produced a settlement. The representative for the workmen wanted time to verify the settlement. After verification the representative for the workmen denied the execution and justness of the settlement. Then again following issue was framed on 2nd March, 1978:—

Whether the settlement alleged by the management is duly executed and is just, fair and reasonable ?

And the case was fixed for the evidence of the management. Thereafter the management obtained seven adjournments for adducing their evidence and some time subject to payment costs, costs were paid but produced no evidence. Again the case was fixed for the evidence of the management but the management failed to produce any evidence on four further adjourned dates. On two dates thereafter the Presiding Officer was on leave. Thereafter the management examined their representative Shri B. R. Grover as MW-1 who proved the settlement Ex. M-1. The cross-examination of Shri B. R. Grover had not been concluded as he was directed to produce a letter of authority given by the workman in support of the settlement. On the last date of hearing Shri B. R. Grover was present for cross-examination but none of the workmen was present nor their representative. Then the representative for the management stated that he had not to adduce any more evidence and closed the case for the management. The case was quite old as more than three years had elapsed during its pendency. I, therefore, closed the case for the workmen and heard the arguments of the representative for the management.

In these circumstances, I decide issue number 4 in favour of the management. I have gone through the settlement. It is just and fair. I, therefore, give my award in terms of the settlement. The settlement shall form part of the award.

Dated the 2nd July, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 587, dated the 6th July, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

आपसी समझौता अधीन इण्डस्ट्रियल डिस्प्यूट एक्ट, 1947 की धारा 18(1)

मालिकान व कर्मचारीगण मैसर्स स्टैण्डर्ड विविंग फैक्टरी, फरीदाबाद के बीच :—

प्रतिनिधि मालिकान

.. श्री सुभाष साहनी

प्रतिनिधि कर्मचारीगण

.. सात कर्मचारी नुमाइंदा शुदा

1. ल्याकत अली

2. कमोद ठाकुर

3. अम्बिका सिंह

4. दीना नाथ

5. अयोध्या प्रसाद सिंह

6. राम प्रसाद

7. शर्वतार सिंह

केस का संक्षिप्त विवरण :

जैसा कि मँ० स्टैंडर्ड विविंग फैक्टरी के कर्मचारीगण ने दिनांक 27 सितम्बर, 1977 को मांग-पत्र मालिकान को दिया था जिस में वर्कर्स ने कुछ मांगों की थीं आपसी बातचीत द्वारा निम्नलिखित शर्तों पर आपसी समझौता हुआ ।

महंगाई भत्ता :

दोनों पक्षों ने सर्वसम्मति से स्वीकृति दी कि प्रत्येक कर्मचारी को 18/- रुपये प्रति मास महंगाई भत्ता दिया जायेगा जो कि 1 अक्टूबर, 1977 से लागू होगा ।

(2) मांग नं० 2 पर वर्कर्स ने जोर नहीं दिया और इसे वापिस ले लिया ।

(3) मांग नं० 3, 4, 5, 6 पर कर्मचारीगण ने जोर नहीं दिया और वापिस ले ली ।

(4) मांग नं० 7 रुग्ण अवस्था अवकाश (सीक लीव) —

क्योंकि मिल मालिकान यह छुट्टियां पहले से ही कर्मचारीगण को दे रहे हैं सो इसे तथ्य की सामने रखते हुए कर्मचारीगण ने जोर नहीं दिया और वापिस ले ली ।

(5) मांग नं० 8 पर कर्मचारीगण ने जोर नहीं दिया और वापिस ले ली ।

(6) मांग नं० 9 त्योहारी छुट्टियां ।

मिल मालिकान पहले ही त्योहारी छुट्टियां दे रहे हैं इस लिये इन छुट्टियों को बढ़ाने की मांग पर कर्मचारियों ने जोर नहीं दिया और इस मांग को वापिस ले लिया ।

(7) मांग नं० 10 यात्रा भत्ता की मांग—

इस मांग पर कर्मचारीगण ने जोर नहीं दिया और इसे वापिस ले लिया ।

(8) मांग नं० 11 हाऊस रेंट—

इस पर मालिकान तथा कर्मचारीगण के बीच सर्वसम्मति से फैसला हुआ कि प्रत्येक कर्मचारी को 10/- दस रुपये मासिक रेंट दिया जायेगा जो 1 अक्टूबर, 1977 से लागू होगा ।

(9) मांग नं० 12 बोनस 1975, अप्रैल 1976 वित्त वर्ष के लिये—

मालिकान व कर्मचारीगण के बीच सर्वसम्मति से समझौता हुआ कि प्रत्येक कर्मचारी को मिल के वित्त साल 1976-77 के कमाई गई वेतन का 9% बोनस के तौर पर दिया जायेगा । कर्मचारीगण ने 1975-76 वित्त वर्ष के बोनस पर जोर नहीं दिया और अपनी मांग वापिस ले ली ।

(10) मांग नं० 13 पर वर्कर्स ने जोर नहीं दिया क्योंकि कैंटीन का प्रबन्ध मालिकान की तरफ से पहले ही हो गया है यह मांग कर्मचारीगण ने वापिस ले ली ।

(11) मांग नं० 14—

कर्मचारीगण ने अपनी बर्दी के मुतल्लिक मांग पर जोर नहीं दिया और यह मांग वापिस ले ली ।

(12) मांग नं० 15 पहले ही फैक्टरी एक्ट के अधीन सुरक्षित है ।

(13) मांग नं० 16 पर वर्कर्स ने जोर नहीं दिया और वापिस ले ली ।

(14) दोनों पक्षों के बीच यह तय हुआ कि जो भी हमारे केस उद्योग आयोग (इन्डस्ट्रियल ट्रिब्यूनल, हरियाणा) के पास दर्ज है वो सब वापिस लिये जायेंगे तथा आयोग को लिखित रूप में सूचना दी जायेगी कि हमारा आपसी समझौता हो गया है ।

(15) मालिकान के बहुत अच्छे रवैये और समझौते को देखते हुए कर्मचारीगण यह आश्वासन देते हैं कि वह ईमानदारी व पूरी मेहनत से अपना काम सर अंजाम देंगे और मिल के उत्पादन में सब प्रकार बढ़ोतरी करेंगे व पूरा अनुशासन बनाये रखेंगे ।

यह आपसी समझौता दिनांक 31/8 अक्टूबर 1977 की निम्नलिखित साक्षियों की उपस्थिति में दर्ज हुआ :—

साक्षी :

प्रतिनिधि मालिकान

प्रतिनिधि कर्मचारीगण

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No. 11(112)-3Lab-79/7688.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. S. J. Knitting and Finishing Mills, 13/7, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 57 of 1976

between

THE WORKMEN AND THE MANAGEMENT OF M/S S. J. KNITTING AND
FINISHING MILLS, 13/7, MATHURA ROAD, FARIDABAD

Present :

Shri Darshan Singh, for the workmen.

Shri B. R. Grover, for the management.

AWARD

By order No. 1D/FD/953-C-75/8468, dated the 1st March, 1976, the Governor of Haryana referred the following disputes between the management of M/s. S. J. Knitting and Finishing Mills, 13/7, Mathura Road, Faridabad and its workmen, to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the workmen are entitled to any increase in wages? If so, with what details?

Whether the grades and scales of pay should be fixed? If so, with what details?

Whether the workmen are entitled to the grant of any bonus for the year 1973-74? If so, with what details?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties following issues were framed on 25th June, 1976:—

1. Whether the demand leading to the reference was legally required to be espoused by a sub-substantial number of workmen?
2. If yes, whether the demand leading to the reference was espoused by a number of sub-substantial workmen?
3. Whether Shri B. R. Grover is authorised to represent the management and has *locus-standi* to represent the management?

Both the parties with drew these preliminary issues hence issues were framed on merits on 4th April, 1977 :—

1. Whether the workmen are entitled to any increase in wages? If so, with what details?
2. Whether the grades and scales of pay of the workmen should be fixed? If so, with what details?
3. Whether the workmen are entitled to the grant of Bonus for 1973-74? If so, with what details?

And the case was fixed for the evidence of the workmen. On 5th December, 1977 both the parties stated that they have arrived at a settlement so the case was adjourned for 6th January, 1978. It was again adjourned for 16th February, 1978. On 16th February, 1978 the management produced a settlement. The representative for the workmen wanted time to verify the settlement. After verification the representative for the workmen denied the execution and justness of the settlement. Then again following issue was framed on 2nd March, 1978 :—

Whether the settlement alleged by the management is duly executed and is just, fair and reasonable?

And the case was fixed for the evidence of the management. Thereafter the management obtained seven adjournments for adducing their evidence and some time subject to payment of costs, costs were paid but produced no evidence. Again the case was fixed for the evidence of the management but the management failed to produce any evidence on four further adjourned dates. On two dates thereafter the Presiding Officer was on leave. Thereafter the management examined their representative Shri B. R. Grover as MW-1 who proved the settlement Ex. M-1. The cross examination of Shri B. R. Grover had not been concluded as he was directed to produce a letter of authority given by the workman in support of the settlement. On the last date of hearing Shri B. R. Grover was present for cross examination but none of the workmen was present nor their representative. Then the representative for the management stated that he had not to adduce any more evidence and closed the case for the management. The case was quite old as more than three years had elapsed during its pendency. I, therefore, closed the case for the workman and heard the arguments of the representative for the management.

In these circumstances, I decide issue number 4 in favour of the management. I have gone through the settlement. It is just and fair. I, therefore, give my award in terms of the settlement. The settlement shall form part of the award.

Dated the 2nd July, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

Endorsement No. _____ dated the _____

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

सादसी रकमोता अधिन इन्डिस्ट्रियल डिस्पूट ऐक्ट 1947 की धारा 18(3)

मालिकान व कर्मचारीगण मैमर्ज एस. जे. निटिंग एण्ड फिनीशिंग मिलज प्राइवेट लि, फरीदाबाद के बीच :

प्रतिनिधि मालिकान

श्री मुभाष साहनी

प्रतिनिधि कर्मचारीगण

सात कर्मचारी नुमाइंदा शुदा ।

(1) ह्याकत अली

(2) कामीद ठाकुर

- (3) अम्विका सिंह
- (4) दीना नाथ
- (5) आयोध्या प्रसाद मिश्र
- (6) राम प्रसाद
- (7) प्रवतार सिंह

केश का संक्षिप्त विवरण

जैसा कि मं. एस. जे. निटिंग एण्ड फिनीशिंग मिल्स प्रा. लि. के कर्मचारीगण 27 सितम्बर, 1977 को एक भांग पत्र मालिकान को दिया था जिस में वर्कर्स ने कुछ मांगों की थीं आपसी बातचीत द्वारा निम्नलिखित शर्तों पर आपसी समझौता हुआ।

मंहगाई भत्ता

दोनों पक्षों में सर्वसम्मति से स्वीकृति दी की प्रत्येक कर्मचारी को 18/- रुपये प्रतिमास मंहगाई भत्ता दिया जायेगा जोकि 1 अक्टूबर, 1977 से लागू होगा।

- (2) मांग नं० 2 पर वर्कर्स ने जोर नहीं दिया और इसे वापिस ले लिया।
- (3) मांग नं० 3, 4, 5, 6 पर कर्मचारीगण ने जोर नहीं दिया और वापिस ले ली।
- (4) मांग नं० 7 रकणा अवस्था अवकाश (सीक लीव) क्योंकि मिल मालिकान यह छुट्टियां पहले ही कर्मचारीगण को दे रहे हैं सो इस तथ्य को सामने रखने हुये कर्मचारीगण ने इस मांग पर जोर नहीं दिया तथा वापिस ले ली।
- (5) मांग नं० 8 पर कर्मचारीगण ने जोर नहीं दिया और वापिस ले ली।
- (6) मांग नं० 9 त्याहारी छुट्टियां।

मिल मालिकान पहले ही त्याहारी छुट्टियां दे रहे हैं इस लिये इन छुट्टियों का बढ़ाने की मांग पर कर्मचारीगण ने जोर नहीं दिया और इस मांग को वापिस ले लिया।

- (7) मांग नं० 10 यात्रा भत्ता की मांग।

इस मांग पर कर्मचारीगण ने जोर नहीं दिया और वापिस ले ली।

- (8) मांग नं० 11 हाऊस रेंट।

उस पर मालिकान तथा कर्मचारीगण के बीच सर्वसम्मति से फैसला हुआ कि प्रत्येक कर्मचारी को 10/- (दस रुपये) हाऊस रेंट के रूप में 1 अक्टूबर, 1977 से दिया जायेगा।

- (9) मांग नं० 12 बोनस 1975 और 1976 वित्त वर्ष के लिये।

मालिकान ने कर्मचारीगण के बीच सर्वसम्मति से समझौता हुआ कि प्रत्येक कर्मचारी को मिल के वित्त साल 1976-77 में कमाई गई वेतन का 9% बोनस के तौर पर दिय जायेगा कर्मचारीगण ने 1975-76 वित्त वर्ष के बोनस पर जोर नहीं दिया और अपनी मांग वापिस ले ली।

- (10) मांग नं० 13 पर वर्कर्स ने जोर नहीं दिया क्योंकि केन्टीन का प्रबन्ध मालिकान की तरफ से पहले ही हो गया है यह मांग कर्मचारीगण ने वापिस ले ली।

- (11) मांग नं० 14

कर्मचारीगण ने अपनी वर्दी के मुताबिक मांग पर जोर नहीं दिया और यह मांग वापिस ले ली।

- (12) मांग नं० 15 पहले ही फैक्टरी एक्ट के अधीन सुरक्षित है ।
- (13) मांग नं० 16 पर वर्कर्स ने जोर नहीं दिया और वापिस ले ली ।
- (14) दोनों पक्षों के बीच यह तह हुआ कि जो भी हमारे केस आयोग (इन्डस्ट्रियल ट्रिब्यूनल हरियाणा) के पास दर्ज हैं वो सब वापिस लिए जायेंगे तथा आयोग को लिखित रूप में सूचना दी जावेगी कि हमारा आपसी समझौता हों गया है ।
- (15) मालिकान के बहुत अच्छे रवैये और समझौते को देखते हुये कर्मचारीगण यह आश्वासन देते हैं कि वो ईमानदारी व पूरी मेहनत से अपना काम सर अंजाम देगे और मिन के उत्पादन में सर्व प्रकार वडोतरी करेंगे व पूरा अनुशासन बनाए रखेंगे ।

यह आपसी समझौता दिनांक 31 अगस्त, 1977 को निम्नलिखित साक्षियों की उपस्थिति में दर्ज हुआ ।

माक्षी

1. प्रतिनिधि मालिकान

1.

2. प्रतिनिधि कर्मचारीगण

(1)

(2)

(3)

(4)

(5)

(6)

(7)

No. 11(112)-3 Lab-79/7689.—In pursuance of the provision of section 17 of the Industrial Disputes Acts, 1947 (Act, No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the presiding Officer, Industrial Tribunal Faridabad in respect of the dispute between the workmen and the management of M/s Sahni Silk Mills, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 60 of 1976

between

THE WORKMAN AND THE MANAGEMENT OF M/S. SAHNI SILK MILLS.
FARIDABAD

Present.—

Shri Darshan Singh, for the workman.

Shri B. R. Grover, for the management.

AWARD

By order No. ID/FD/941-A-75/8524, dated 1st March, 1976 the Governor of Haryana referred the following disputes between the management of M/s. Sahni Silk Mills Faridabad and its workmen, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

1. Whether the workmen are entitled to any increase in wages ? If so with what details?
2. Whether the grades and scales of pay should be fixed ? If so, with what details?
3. Whether the workmen are entitled to the grant of any bonus for the year 1973-74 ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties following issues were framed on 25th June 1976 :—

1. Whether the demand leading to the reference was legally required to be espoused by a substantial number of workmen ?
2. If yes, whether the demand leading to the reference was espoused by a number of substantial workmen ?
3. Whether Shri B. R. Grover is authorised to represent the management and has *locus standi* to represent the management ?

Both the parties withdrew these preliminary issues hence issues were framed on merits on 4th April, 1977 :—

1. Whether the workmen are entitled to any increase in wages ? If so, with what details ?
2. Whether the grades and scales of pay of the workmen should be fixed ? If so, with what details ?
3. Whether the workmen are entitled to the grant of bonus for 1973-74, with what details ?

And the case was fixed for the evidence of the workman. On 5th December 1977 both the parties stated that they have arrived at a settlement so the case was adjourned for 6th January, 1978. It was again adjourned for 16th February, 1978. On 16th February, 1978 the management produced a settlement. The representative for the workmen wanted time to verify the settlement. After verification the representative for the workmen denied the execution and justness of the settlement. Then again following issue was framed on 2nd March, 1978 :

Whether the settlement alleged by the management is duly executed and is just, fair and reasonable ?

And the case was fixed for the evidence of the management. Thereafter the management obtained seven adjournments for adducing their evidence and some time subject to payment of costs, costs were paid but produced no evidence. Again the case was fixed for the evidence of the management but the management failed to produce any evidence on four further adjourned dates. On two dates thereafter the Presiding Officer was on leave. Thereafter the management examined their representative Shri B. R. Grover as MW-1 who proved the settlement Exhibit M-1. The cross-examination of Shri B. R. Grover had not been concluded as he was directed to produce a letter of authority given by the workman in support of the settlement. On the last date of hearing Shri B. R. Grover was present for cross examination but none of the workmen was present nor their representative. Then the representative for the management stated that he had not to adduce any more evidence and closed the case for the management. The case was quite old as more than three years had elapsed during its pendency. I, therefore, closed the case for the workman and heard the arguments of the representative for the management.

In these circumstances, I decide issue number 4 in favour of the management. I have gone through the settlement. It is just and fair. I, therefore, give my award in terms of the settlement. The settlement shall form part of the award.

Dated the 2nd July, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 589, dated 6th July, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

ग्रापसी समझौता अधीन इण्डस्ट्रियल डिस्प्यूट एक्ट, 1974 की धारा 12(3)

मालिकान व कर्मचारीगण मैसर्स साहनी सिल्क मिल्स प्राइवेट लिमिटेड, फरीदाबाद के बीच

प्रतिनिधि मालिकान

प्रतिनिधि कर्मचारीगण

श्री सुभाष साहनी

सात कर्मचारी नुमाइंदा जूटा

(1) त्याकत अली

(2) कामोद ठाकुर

(3) ओम्बिका सिंह

(4) दीना नाथ

(5) आर्योध्या प्रसाद मिश्र

(6) राम प्रसाद

(7) अवतार सिंह

केस का संक्षिप्त विवरण

जैसा कि मै० साहनी सिल्क प्राइवेट लिमिटेड के कर्मचारीगण ने दिनांक 27 गितम्बर, 1977 को एक मांग पत्र मालिकान को दिया था, जिसमें वर्कर्स ने कुछ मांगों की थी, आपसी बातचीत द्वारा निम्नलिखित शर्तों पर ग्रापसी समझौता हुआ।

मंद्गाई भत्ता

दोनों पक्षों ने सर्वसम्मति से स्वीकृति दी कि कर्मचारियों को 18 रुपये प्रति मास मंद्गाई भत्ता दिया जायेगा। जो कि 1 अक्टूबर, 1977 से लागू होगा।

(2) मांग नं० 2 पर वर्कर्स ने जोर नहीं दिया और इसे वापिस ले लिया।

(3) मांग नं० 4, 3, 5, 6 पर कर्मचारीगण ने जोर नहीं दिया और वापिस ले ली।

(4) मांग नं० 7 रुग्णा अवस्था अवकाश (सीक लीव)

क्योंकि मिल मालिकान यह छुट्टियां पहले ही कर्मचारीगण को दे रहे हैं, मांग इस तथ्य को सामने रखते हुए कर्मचारीगण ने इस मांग पर जोर नहीं दिया तथा वापिस ले ली।

(5) मांग नं० 8 पर कर्मचारीगण ने जोर नहीं दिया और वापिस ले ली।

(6) मांग नं० 9 त्योहारी छुट्टियां।

मिल मालिकान पहले ही त्योहारी छुट्टियां दे रहे हैं और इसलिए इन छुट्टियों को बढ़ाने की मांग पर कर्मचारीगण ने जोर नहीं दिया और इस मांग को वापिस ले लिया।

(7) मांग नं० 10 यात्रा भत्ता की मांग।

इस मांग पर कर्मचारीगण ने जोर नहीं दिया और वापिस ले ली।

(8) मांग नं० 11 हाऊस रेंट।

इस मांग पर मालिकान तथा कर्मचारीगण के बीच सर्वसम्मति से फैसला हुआ कि प्रत्येक कर्मचारी को 10 रुपये हाऊस रेंट के रूप में 1 अक्टूबर, 1977 से दिया जाएगा।

(9) मांग नं० 12 बोनस 1975 और 1976 वित्त वर्ष के लिए।

मालिकान व कर्मचारीगण के बीच सर्वसम्मति से समझौता हुआ कि प्रत्येक कर्मचारी को मिल के वित्त साल 1976-77 में कमाई गई वेतन का 9%, बोनस के तौर पर दिया जाएगा। कर्मचारीगण ने 1975-76 वित्त वर्ष के बोनस पर जोर नहीं दिया और अपनी मांग वापिस ले ली।

(10) मांग नं० 13 पर वर्कर्स ने जोर नहीं दिया क्योंकि कैंपटीन का प्रबंध मालिकान की तरफ से पहले ही हो गया। इस मांग कर्मचारीगण ने वापिस ले ली।

(11) मांग नं० 14।

कर्मचारीगण ने अपनी बंदों के मुतलिक मांग पर जोर नहीं दिया और यह मांग वापिस ले ली।

(12) मांग नं० 15 पहले ही फैक्ट्री एक्ट के अधीन सुरक्षित है।

(13) मांग नं० 16 पर वर्कर्स ने जोर नहीं दिया और वापिस ले ली।

(14) दोनों पक्षों के बीच यह तय हुआ कि जो भी केस उद्योग आयोग (इंडस्ट्रियल ट्रिब्यूनल हराना) के पास दर्ज है, वो सब वापिस ले लिए जाएंगे तथा आयोग को लिखित रूप में सूचना दी जाएगी कि हमारा आपसी समझौता हो गया है।

(15) मालिकान के बहुत अच्छे रविये और समझौते को देखते हुए कर्मचारीगण यह आश्वासन देते हैं कि वे ईमानदारी व पूरी मेहनत से अपना काम सरअंजाम देंगे और मिल के उत्पादन में सर्व प्रकार बढ़ौतरी करेंगे व पूरा अनुशासन बनाए रखेंगे।

यह आपसी समझौता दिनांक 3/8 अक्टूबर, 1977 को निम्नलिखित साक्षियों की उपस्थिति में दर्ज हुआ।

साक्षी	प्रतिनिधि मालिकान
1.	2. प्रतिनिधि कर्मचारीगण
2.	1.
	2.
	3.
	4.
	5.
	6.
	7.

The 18th July, 1979

No. 11(112)-3Lab-79/7903. In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Hada Steel Products Ltd. 15/A/6 Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No 158 of 1975

between

THE WORKMAN AND THE MANAGEMENT OF M/S HADA STEEL PRODUCTS LIMITED, 15/A/6, MATHURA ROAD, FARIDABAD.

Present.—

Shri Darshan Singh, for the workmen

Shri S.L. Gupta, for the management.

AWARD

By order No. ID/FD/62629, dated 30th September, 1975. the Governor of Haryana referred the following disputes between the management of M/s Hada Steel Products Limited, 15-A/6, Mathura Road, Faridabad, and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 :—

1. Whether the grades and scales of pay of workmen should be fixed ? If so, with what details ?
2. Whether the workmen are entitled to the grant of dearness allowance ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties following issues were framed on 21st April, 1976:—

1. Whether the claim statement filed by the workmen is vague and illegal for the reasons stated in the preliminary objections ?

2. Whether the Faridabad Engineering Workers Union had a *locus standi* to raise the demand leading to this reference:—
3. Whether the demand raised on behalf of the workmen has been properly espoused by a substantial number of workmen of the management concerned ?
4. Whether the reference is bad in law for want of direct demand on the management ?
5. Whether the reference is barred,—*vide* settlement dated 7th March, 1975 ?
6. Whether the grades and scales of pay of the workmen should be fixed ? If so, with what details?
7. Whether the workmen are entitled to the grant of dearness allowance? If so, with what details ?

And the case was fixed for the evidence of the workmen. The workmen closed their case. Issue No. 1 to 5 were treated preliminary.—*vide* my order, dated 23rd February, 1978. The representative for the management stated that his evidence of MW 1 Shri A.C. Aggarwal, Time and Labour Officer of the management should be read as evidence on all the preliminary issues. The representative for the workmen stated that his evidence of W.W. 1 Shri Bishan Dass, Assistant in the office of the Labour Commissioner, Haryana, Chandigarh, should be read as evidence on issue number 1 to 4 and he shall lead evidence in rebuttal on issue No. 5 only, hence the case was fixed for the evidence of the workmen in rebuttal on issue number 5 on 17th April, 1978. Thereafter the representative for the workmen obtained several adjournments and at last examined himself on 1st January, 1979. He stated that he had a branch of his union in this factory. He proved demand notice Ex. W.-1 and that the company earned much profit and based minimum wages only. There is no linkage of dearness allowance. In other factories, dearness allowance is linked with prices and there are grades and scales of pay in other factories. Other factories are paying more wages. In cross-examination he cited that about 70 workmen were members of his branch. He did not bring any record. He could not tell the name of any workman. He denied that the workman did not give him letter of authority. He could not say what profit have been shown in the balance sheet. He stated that the workman had told him that there was much profits in the factory. He admitted that there was no workmen in the factory on the day he made the statement. He could not say whether wages fixed by the Haryana Government were linked or not, but he admitted that the notification revealed that dearness was linked. He denied that there was no dispute between the management and the workman and therefore, he could not bring any workman as his witness. Thereafter the representative for the workmen obtained two more adjournments for producing his evidence. Lastly neither the representatives for the workmen appeared nor any workmen appeared. My order dated 8th February, 1979 speaks as to how much indulgence is on the part of the workmen in not pursuing their case properly. Even after obtaining a good number of adjournments, they could not produce any evidence. The case of the workmen was then closed. Arguments of the representative of the management were heard. He argued that the workmen have failed to prove their case. The onus was on the workmen to prove their demands and they have not discharged their onus and the workmen, therefore, are not entitled to any demands. In these circumstances, I give my award that the workmen have not proved their case and have not proved the justifiability of the demands. They are not entitled to any relief. They have not taken any interest in pursuing their case or in proving their demands and in proving their entitlement to the demands.

Dated, the 6th July, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 654, dated 13th July, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, ; Faridabad.

H. L. GUGNANI, Secy. —